

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR MARCH 1, 2006

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **March 1, 2006** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

10 present, 2 absent. Commissioners Walker and Coleman were excused.

PRAYER

Commissioner Bury led the commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 1, 2006

It was moved by Commissioner O'Leary, seconded by Commissioner and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of February 1, 2006.

ITEMS NOT ADDRESSED ON THE AGENDA

Clerk and Recorder Mary McMahon read a letter of thanks from the Ballroom Dancers for the use of Butte-Silver Bow facilities for their dance lessons. She had it in poster form and all the participants had signed it. It will be displayed in the rotunda.

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb told of the Planning Session that was held last Thursday. He will be making a presentation to the elected officials.

Peggy Leary of the Law Enforcement Department was named "Employee of the Month"

He has met with Jim Smitham and the Business Plan will be ready soon to give to council.

The grand opening of the YMCA was held last Saturday.

The AA basketball tournament will be held next weekend in Butte. A hospitality room has been set up for the coaches and their wives every night. Buses will run between the Civic Center and the motels.

Construction has started on the skateboard park.

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING PROPOSALS SUBMITTED FOR THE VACANT PROPERTY LOCATED AT 400 EAST PARK STREET.

(Communication No. 06-80 being held in Committee of the Whole.) Proof of publication was noted and placed on file.

Dori Skrukrud, Assistant Director of the Community Development Department, told that they have received one proposal for this property. It is from Water Environmental Technology, Josh Vincent and Dave Erickson. Josh Vincent explained they are a consulting firm and will employ 9 full-time employees.

Chief Executive Babb opened the public hearing at 7:35 PM and called for proponents. On the third and final call there being none, he called for opponents. Again there was no response and he called the public hearing closed at 7:46 PM.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to refer the proposal back to the land committee for final examination and report back.

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR TITLE AND LIEN SEARCH FOR THE 2006 TAX DEED PROCESS. (Communication No. 06-108) Proof of publication was noted

Pat Callaghan, Treasurer, opened one bid from Montana Abstract and Title Company with a bid of \$100.00 per parcel. This is more than in past years, but it is less than what other counties have to pay. They do not have enough money budgeted to cover the cost of 200 title and lien searches. Commissioner Kerns stated that it is the Commissioners' responsibility see that the law is upheld. **He then made a motion that we authorize Mr. Callaghan to enter into a contract and hopefully the amount of 200 plus will diminish somewhat prior to the sale and prior to the need of title company doing the research. But his budget amount is allotted to be used in full and any balance that is remaining**

comes out of the Council of Commissioner's budget for Professional Services. And place Communication No. 06-108 on file. Commissioner Sheehy seconded the motion and it carried with a unanimous verbal vote.

SECTION II-A INVITATION FOR BIDS

SEALED BIDS FOR THE FURNISHING, PLACING AND FINISHING OF CONCRETE FOR SIDEWALKS AND CURBS AT VARIOUS LOCATIONS WITHIN BSB. **Proof of publication was note and placed on file.**

John Van Daveer opened the following bids:

	<u>Nadeau Concrete</u>	<u>White Resources</u>
A. Sidewalk w/integral curb	\$3.90 sq. ft.	\$3.45 sq. ft.
B. Sidewalk w/o curb	\$3.25 sq. ft.	\$3.12 sq. ft.
C. Straight Curb (lineal ft.)	\$13.50 lin ft.	\$14.00 lin ft.
D. Curb & gutter (lineal ft.)	\$14.50 lin ft.	\$15.50 lin ft.

SECTION II-B INVITATION FOR BIDS

SEALED BIDS FOR THE PURCHASE OF APPROXIMATELY 1,000 TONS OF 120/150 GRADE ASPHALT CEMENT. **Proof of publication was noted and placed on file.**

John Van Daveer, Director of the Public Works Department, opened the following bids

	Mt. Refining Co.	CHS Inc,	SEM
120/150 Penetration grade asphalt	\$288.88/ton	\$266.00/ton	no bid
CRS-2P Cationic Emulsified asphalt	\$297.37/ton	269.00/ton	\$267.00/ton
Magnesium Chloride	no bid	no bid	no bid
RAP Rejuvenator Reclamite	no bid	no bid	no bid
CRF Emulsion	no bid	no bid	no bid

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to refer to the Public Works Department for review and report back.

Before moving on to Section III, Chief Executive Babb recognized Mr. Bob Becker in the audience. He is the person who has graciously volunteered his time, his resources and reached into his own pocket so that we could have the ballroom dance lessons that were free of charge to all members of this community. He thanked him and asked for a round of applause. Mr. Becker also thanked Mr. Babb and the commissioners for allowing him to do this. We expected a couple dozen people to respond, but it turned out we had well over 200. We are thinking we will try it again next winter.

SECTION III

INFORMATIONAL REPORT

COMMUNICATION NO. 06-110

Glen Bodish, requesting time on March 1, 2006 agenda to update council on the Cultural Incubator Project and invite council and community to opening event March 4, 2006.

Glen Bodish invited everyone on the council and everyone in the community to come out to the opening at the old uptown Y.M.C.A. building, take a tour of the building and see what we've done. We have 32 artists giving an opportunity to learn about what they do, workshops and demonstrations all day from 9AM to 5PM on Saturday, March 4th. They have rented 8 studios to artists in the uptown building. They house an attorney. He has people looking at other offices. They provide space for Big Brothers and Sisters. He thanked the commissioners for their commitment to the foundation.

SECTION IV

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B.

COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O'Leary called for segregation of Section B-9, Communication 06-116 and one "friendly amendment" not to the agenda but to your packet. There was accidentally a letter placed in your packet and a duplicate title of 06-113. The one on your agenda of 06-113 is from Conrad Hilpert, another one just before that if you happen to see it and wonder what it was from the Department of Revenue. That letter should not have gone to council to this agenda. It was intended by the author Mark Bumgarner from the Department of Revenue for that letter to go directly to the Judiciary Committee in response to her solicitation of that information. You can scratch off the communication number on that and it will be in Judiciary next week.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the Consent Agenda Section A-1 through 4, section B, 1 through 16 exclusive of number 9.

Communication No. 06-116 - Stephen D. Hess, Senior Planner, requesting approval of preliminary plat of Butte Ski Club #5 Minor Subdivision and authorization for Chief Executive to sign final plat contingent on all 10 conditions being met.

Commissioner O'Leary called on Mr. Hess who explained Condition in No. 8, the last sentence should have been deleted. **Commission O'Leary then made a motion to delete the last sentence of Condition No. 8 on page 8. It was seconded by Commissioner Kerns and carried by a unanimous verbal vote. Commissioner O'Leary then moved that we concur with the Preliminary Plat of Beef Ski Club #5 Minor Subdivision with the 10 conditions as amended. The motion was seconded by Commissioner Bury and carried with a unanimous verbal vote.** Commissioner O'Leary noted that that condition occurs in the resolution that is going to Judiciary next week so the deletion will have to take place there as well.

SECTION V

ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 06-16

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO
ISSUE TAX DEEDS TO BUTTE-SILVER BOW COUNTY FOR EACH
PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX SALE
CERTIFICATE WHERE THE OWNERS HAVE NOT REDEEMED SUCH
PROPERTY AFTER HAVING BEEN GIVEN NOTICE OF PENDING TAX
DEED ISSUANCE; FINDING THE NECESSARY FACTS FOR THIS
RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-17

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BUTTE SKI CLUB NO. 5 MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

ADJOURN

Chief Executive encouraged all to attend the Frontier Conference Basketball Conference. The more people we can get to that basketball tournament, the better off we will have of keeping that tournament in Butte. That's a good thing for our

community. Tomorrow night Big Brothers and Sisters are having their annual fundraiser so please pass the word on that also.

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Sheehy to Rise to the Call of the Chair. The meeting adjourned at 8:37 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER